

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANKLIN D. HEATH,

Plaintiff,

vs.

JAMES MIRANDA, *et al.*,

Defendants.

2:03-cv-00760-JCM-PAL

ORDER

Presently before the court is pro se petitioner Franklin D. Heath's motion to receive free copies (doc. #114). No opposition has been filed.

In the present motion, petitioner asks this court for free copies of his original petition under 42 U.S.C. § 1983, and a full copy of the case index in the above captioned case. Petitioner appeared in this case in forma pauperis (doc. #3), and asserts that as he is an indigent inmate who is unable to pay for such items. He requests the items in order to "view research to find any reasons that petitioner's claims should not have [been] dismissed due to [his] lack of physical access to law library, that he had no assistance from legal assistant or law clerk, no access to copies, unreliable inter-department mail, and due to [his] lack of understanding of civil rights laws."


On May 5, 2005, the defendant's motion for summary judgment was granted (doc. #96), and judgment was entered in favor of the defendant against the plaintiff (doc. #97). Subsequently, on June 22, 2005, the plaintiff filed a notice of appeal (doc. #104). On December 14, 2005, the appeal was terminated. As the appeal was terminated over five years ago, and no additional issues are

1 before the court, the present motion for free copies (doc. #114) is moot.

2 Good cause appearing,

3 IT IS HEREBY ORDERED ADJUDGED AND DECREED that petitioner Franklin D.
4 Heath's motion to receive free copies (doc. #114) be, and the same hereby is, DENIED as moot.

5 DATED: January 5, 2011.

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8 JAMES C. MAHAN
9 United States District Judge
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